

For discussion
on 13 April 2018

Legislative Council Panel on Security Law Enforcement against Moving Traffic Offences

Introduction

This paper briefs Members on the Police's enforcement against moving traffic offences.

Background

2. The Police have been fulfilling their duties to safeguard the safety of the public through different means. One of the Police's operational priorities is to ensure road safety and reduce traffic accidents. Hong Kong has an extensive road network of 2 112 kilometres in length. As at end 2017, there were over 2.3 million driving licence holders, as well as over 760 000 licensed vehicles. The Police have been adopting a multi-pronged approach to promote road safety, combat moving traffic offences, and launch publicity activities and educate the public and drivers to comply with road traffic regulations. In the past three years, the number of persons killed in traffic accidents saw a gradual drop of 11.5% from 122 persons in 2015 to 108 persons in 2017; the number of persons seriously injured decreased by 18.1% from 2 703 persons in 2015 to 2 214 persons in 2017. Hong Kong is among the cities in the world with the safest roads. Taking 2016 as an example, the road traffic fatality rate per 1 000 000 population is 18 persons, which is lower than that of such major cities as Singapore, New York, Toronto, Melbourne and Seoul.

Relevant legislation

3. According to section 10 of the Police Force Ordinance (Cap. 232), the Police have the duties of taking lawful measures for preventing and detecting crimes and offences, preventing injury to life and property, and controlling traffic. For the enforcement power on roads, section 60 of the Road Traffic Ordinance (Cap. 374) (RTO) provides that a person driving a motor vehicle/rickshaw or riding a bicycle/tricycle on a road shall stop on being so required by a police officer in uniform, or traffic warden in uniform, otherwise the person commits an offence. In addition, section 61 of the RTO provides

that it is an offence for any person driving any vehicle and any pedestrian to neglect or refuse to obey any direction of a police officer in uniform or traffic warden in uniform engaged in the regulation of traffic on a road. Offenders violating the above two provisions are liable to a fine of \$2,000.

4. The RTO and its subsidiary legislation set out the great majority of traffic offences, including moving traffic offences, such as careless driving, dangerous driving, drink driving, drug driving, speeding, etc. Drivers who commit serious moving traffic offences (such as dangerous driving causing death) may be liable to a maximum penalty of imprisonment for 10 years, a fine of \$50,000 and disqualification for a period of not less than five years (a court may order a disqualification for life) upon conviction.

Law Enforcement against Moving Traffic Offences

Enforcement figures

5. The Police have been taking stringent enforcement actions against moving traffic offences. In the past two years, the relevant enforcement figures (details at **Annex**) increased by 8.4% from 488 997 cases in 2016 to 529 951 cases in 2017. Specifically, the figures of enforcement against “speeding” increased by 10%; the figures of enforcement against “traffic signal offence” increased by 23%; the figures of enforcement against “using handheld mobile phone / telecommunications equipment while the vehicle is in motion” increased by 14.5%; the figures of enforcement against “careless driving” increased by 3.6%, etc.

Enforcement objectives

6. The Police’s objectives of law enforcement against moving traffic offences are to reduce road traffic accidents and safeguard the safety of drivers and pedestrians. The Police adopt a multi-pronged strategy, including the use of technology and enforcing “Selected Traffic Enforcement Priorities” (STEP) (such as mounting operations that target moving traffic offences of illegal road racing, speeding, use of mobile phones / telecommunications equipment while the vehicle is in motion, drink driving, drug driving etc.)¹, to make drivers stay alert at all times and reduce the occurrence of road traffic accidents.

¹ Apart from targeting moving traffic offences, STEP also covers non-moving traffic offences, such as illegal parking, pedestrian and cycling offences, etc.

Use of technology

7. At present, there are 195 red light cameras and 24 speed enforcement cameras operating at 130 camera housing locations across the territory. Evidence collected from the cameras allows the Police to subsequently identify the concerned vehicles and initiate prosecution without the need to intercept an offending vehicle, thereby effectively improving road safety. The Police have been using the Automatic Number Plate Recognition (ANPR) system since 2015. The system enables traffic enforcement officers to detect relevant traffic contraventions, including those involving expired vehicle licences, registered vehicle owners driving while disqualified or having traffic arrest warrants. In the past three years (2015 to 2017), the Police have issued 996 fixed penalty tickets and arrested 46 persons with the aid of the ANPR system. In addition, the Police have arranged the procurement of digital laser guns with video recording function to replace the existing version of laser guns which are aging. The new version of laser guns is expected to be put into operation in 2018.

Selected Traffic Enforcement Priorities (STEP)

8. STEP is an important part in the Police's law enforcement against moving traffic offences. Based on the prevailing trend of traffic accidents and related offences, the Police will formulate traffic enforcement operations targeting different road users every year, with the aim of changing the undesirable behaviours of road users that cause accidents, and making it everyone's responsibility to ensure road safety. The overall STEP enforcement figures (covering both moving traffic offences and non-moving traffic offences) increased by 13% from 1 914 502 cases in 2016 to 2 158 452 cases in 2017, among which the figures of enforcement against speeding increased by 10% from 215 012 cases in 2016 to 236 553 cases in 2017. The Police will continue to take stringent enforcement actions based on STEP, persistently strengthening law enforcement.

Temporary traffic control measures and roadblocks

9. The Police have to implement temporary traffic control measures from time to time, such as stopping of vehicles and control of traffic flow, to ensure road safety and smooth traffic. For example, when there is a serious incident such as a traffic accident, or when there is any obstruction on a road hindering or endangering any person, police officers will conduct immediate traffic control and direction so as to divert the traffic and ease the congestion, with a view to restoring road safety and smooth traffic as soon as possible.

10. Besides, the Police may set up roadblocks in pre-planned operations as necessary. The main objective of setting up roadblocks is to stop vehicles and check the drivers for compliance with relevant traffic regulations. Where appropriate, the vehicles, drivers and/or passengers may also be checked for the prevention and detection of crimes. In operations targeting drink driving, the Police will randomly select drivers for breath testing to check if their alcohol levels exceed the prescribed limit.

11. The Police have established guidelines on the setting up of roadblocks, including the equipment required, manning scale, safety measures, format of roadblocks etc. The locations of roadblocks set up in all pre-planned operations are internally approved beforehand. Should a vehicle passing through the roadblock fail to stop at the instruction of the police officer, the police officer will inform the Regional Command and Control Centre about the information and moving direction of the vehicle, so as to alert all other police officers who may be working outdoor.

12. In their daily work or pre-planned operations, the Police generally will not conduct pursuits. It is only when it is absolutely necessary and when there is no other alternative, and for the purpose of responding to unforeseeable circumstances on the road and to safeguard the safety of road users, such as when there is a need to immediately arrest a person who refuses to stop his vehicle at the instruction of a police officer and attempts to flee, a person who has committed serious driving offences (including drink driving, drug driving or hit and run in a traffic accident), or a person suspected of having committed serious or violent crimes etc., that the Police will conduct pursuits. At all times, the Police's pursuit is conducted against unlawful behaviours, as well as the dangerous and grossly irresponsible drivers. Before each pursuit, the police officer must, in accordance with the actual circumstances, assess the risks that could be brought about by the operation, including the risks posed to the driver concerned, other road users and the police officer himself, as well as whether other road users will be endangered, or whether more serious casualties will result if such persons are not stopped.

13. The Police review the enforcement work against moving traffic offences from time to time. The Police commenced in January this year a new round of review on pursuit, illegal road racing, setting up of roadblocks, international practices etc. In March, a Review Committee chaired by the Chief Superintendent of the Traffic Branch was formally established, with members comprising the traffic units as well as relevant operations and support units of each Region. One of the aims of the review is to thoroughly examine the guidelines on the stopping of vehicles, setting up of roadblocks, pursuit of vehicles etc., and study the areas for improvement.

Traffic Accident on Fanling Highway on 11 February 2018

14. On 11 February 2018, a Police Constable (PC) of Traffic New Territories North patrolling along San Tin Highway found a private car travelling at a high speed towards the direction of Fanling. The vehicle was observed changing lane recklessly, posing a great threat to other road users. Suspecting that the private car driver had committed serious traffic offences, the PC turned on the siren and beacons, and attempted to intercept the private car for investigation. However, the driver did not heed the PC's instruction and accelerated to flee. The PC thus conducted a pursuit and alerted other patrolling officers. When the private car reached Fanling Highway near Fanling MTR Station, it lost control and crashed into the vehicles in front. The traffic accident resulted in serious damages to the private car and three other private vehicles in front, as well as damages to one supporting Police Motorcycle in front. Three civilians and one Traffic Police officer were injured, while the driver and passenger of the private car were killed.

15. The Police are conducting a full investigation into the incident. In accordance with the Coroners Ordinance (Cap. 504), the Police have to investigate cases of reportable death (including death caused by a traffic accident) and submit a death investigation report to the Coroner. After studying the report, the Coroner will decide whether to hold a death inquest. When a death inquest is held by the Coroner, details of the case and its evidence will be disclosed in the course of the hearing. It is therefore inappropriate to publicly discuss the details of the incident at this stage.

**Transport and Housing Bureau
Security Bureau
Hong Kong Police Force
April 2018**

Figures of enforcement against moving traffic offences

Offence	2016	2017
Speeding	215 012	236 553
Traffic signal offence	59 493	73 026
Traffic sign offence	42 473	40 696
Using handheld mobile phone / telecommunications equipment while the vehicle is in motion	17 749	20 329
Careless driving	17 707	18 345
Double white line offence	15 802	15 951
Seat belt offence	7 513	7 615
Box junction offence	1 475	2 105
Overloading	1 839	1 696
Insecure loading	1 041	1 113
Others	108 893	112 522
Total	488 997	529 951